

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

PAUL G. SHEARER,

Plaintiff,

vs.

UNITED STATES OF AMERICA, DIRK
KEMPTHORNE, Secretary of the
Interior, et al.,

Defendants.

Case No. 3:03-CV-00263 (JKS)

ORDER

This is an action seeking resolution of a controversy concerning mining claims within the Kantishna Hills area of Denali National Park and Preserve. Currently before the Court is Defendant's Motion to Dismiss at Docket No. 123 and a joint Settlement Agreement at Docket No. 137.

The Court construes the Settlement Agreement at Docket No. 137 as a stipulated dismissal of all claims except those claims specifically listed in paragraphs 4-7 of the agreement. *See* Fed. R. Civ. P. 41(a)(1)(ii). The claims remaining in this litigation are those identified as Parcels 7 and 8 in Plaintiff's Second Amended Complaint. Docket No. 137 ¶ 4. These claims were previously stayed pending a final decision by the Department of the Interior in *United States v. Michael R. Mark Anthony*, No. AA-71472. *See* Docket No. 57.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Motion to Dismiss at Docket No. 123 is DENIED as moot;
2. Defendants may renew the motion to dismiss as it pertains to those claims specifically excepted from the Settlement Agreement in paragraphs 4-7.

3. Plaintiff's remaining claims regarding Parcels 7 and 8 remain stayed pending a final decision by the Department of the Interior in *United States v. Michael R. Mark Anthony*, No. AA-71472; and

4. Plaintiff shall file a status report within ten days of the resolution of the aforementioned case before the Department of the Interior.

Dated this 26th day of March 2008.

/s/ James K. Singleton, Jr.

JAMES K. SINGLETON, JR.
United States District Judge

ORDER